



October 14, 2021

VIA ECF AND E-MAIL (CronanNYSDChambers@nysd.uscourts.gov)

The Honorable John P. Cronan
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1320
New York, New York 10007-1312

Re: *Skiplagged, Inc. vs. Southwest Airlines Co.*, Civil No. 1:21-cv-05749-JPC

Dear Judge Cronan:

This firm represents Skiplagged, Inc. ("Skiplagged") in the above-referenced action and we respectfully submit this pre-motion letter under Your Honor's Individual Practice Rule 6. Skiplagged respectfully requests permission file a motion to withdraw without prejudice Skiplagged's Motion to Enjoin Prosecution of Second-Filed Action [Dkt. No. 12] (the "Injunction Motion"). On October 4, 2021, Judge Brown entered an Order Granting Agreed Motion to Stay *Southwest Airlines Co. v. Skiplagged, Inc.*, 3:21-cv-01722-E (N.D. Tex.) (the "Stay Order"), by which all deadlines in that Texas case are stayed pending this Court's ruling on the motion to dismiss or transfer [Dkt. No. 23] filed by defendant Southwest Airlines Co. ("Southwest"). A copy of Judge Brown's Stay Order is attached. Given the Stay Order effectively moots the relief sought in the Injunction Motion, Skiplagged sought Southwest's consent to withdraw the Injunction Motion. Southwest indicated it had no objection to Skiplagged withdrawing without prejudice the Injunction Motion. Skiplagged hereby consents to an Order terminating the Injunction Motion without prejudice if Your Honor deems it appropriate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Irwin B. Schwartz", with a long horizontal flourish extending to the right.

Irwin B. Schwartz

cc: Wallace Dunwoody, Esq. *pro hac vice* (by e-mail)

The request is granted. The Clerk of Court is respectfully directed to close the motions pending at Docket Numbers 12 and 40.

SO ORDERED.

Date: October 15, 2021

New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", with a long horizontal flourish extending to the right.

JOHN P. CRONAN
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SOUTHWEST AIRLINES CO.,

Plaintiff,

v.

SKIPLAGGED, INC.,

Defendant.

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Case No. 3:21-cv-01722-E

ORDER GRANTING AGREED MOTION TO STAY

Before the Court is the Parties' Agreed Motion to Stay (Doc. 16). The Court GRANTS the Agreed Motion to Stay and ORDERS that the above-referenced and numbered suit be STAYED, including any outstanding briefing, pending the outcome of the Southern District of New York's ruling on Plaintiff Southwest Airlines Co.'s Motion to Dismiss or Transfer Venue in Case No. 1:21-cv-05749-JPC (S.D.N.Y) (the "Motion"). The Parties shall file a report to the Court within seven (7) days of any ruling on the Motion with their positions on whether the stay should be lifted. Defendant Skiplagged, Inc. will file its Reply in Support of its Motion to Dismiss (Doc. 12) within ten (10) days of any ruling on the Motion.

SO ORDERED.

SIGNED on this 4th day of October, 2021.



UNITED STATES DISTRICT JUDGE